

1 **Andrew J. Moore**
 2 **7107 Broadway Ave**
 3 **Lemon Grove Ca 91945**

FILED

07 DEC 19 PM 3:13

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
'07 CV 2384 BEN WMC

7) Case No:
 8))
 9 People of the State of) **NOTICE OF Removal under 28**
 10 California) **UNITED STATES CODE 1443 (1)**
 11 plaintiff))
 12 vs.))
 13 Andrew J. Moore))
 14 Defendant/ Respondents)
 15

16 Notice to All parties of Interest, Please Take Notice:

17 TO THE PLAINTIFF HERETO:

18 NOTICE IS HEREBY GIVEN that Defendant Andrew J. Moore a
 19 Foreign African National hereby removes this action from the
 20 Superior State Court 220 West Broadway Ave San Diego to the
 21 United States District Court for the Southern District of
 22 California.

23 The grounds for removal are as follows: (1) This action is
 24 therefore a criminal action of which this Court has original
 25 Jurisdiction under Ex Post Facto Law (The None Bonded Penal
 26 Code) Which is Repugnant to the U.S. Constitution Article 1
 27 section 10 Prohibits the use of Penal Code Aka Ex post Facto
 28 Law and is one which Andrew J. Moore is entitled to remove to

1 this Court **CAVEAT Judicial Notice pursuant to 28 U.S.C.**

2 **§§1443(1)**, in that the amount in controversy exceeds the sum of
3 \$75,000, exclusive of interest and costs.

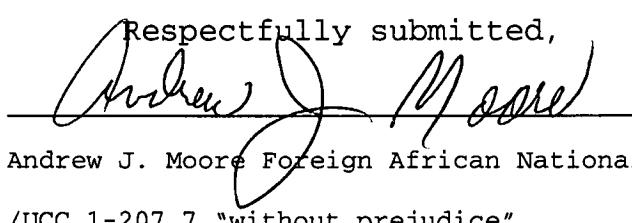
4 And Further state courts Dishonor of Protest of closed escrow
5 account aka Criminal Maritime claims has been pending is state
6 court Removal and I Andrew J. Moore, Foreign African National
7 further have reason to believe the Affirmative Facts, since I'm
8 not a party to the U.S Constitution for it was written for the
9 free white male, and the Essential Facts **California state**

10 **Constitution has been repealed since 1879** and No Executive Order
11 has been delegated to Superior State court in operating under
12 the color of office and state law, due to the **none Ratification**,
13 and since the 7th amendment doesn't apply to state court nor does
14 state court recognize the Common law only Private International
15 Maritime Law-meaning a old fashions court Martial, therefore **I**
16 **seek relief first in the original Jurisdiction of District court**
17 **and alternative as a Foreign African National, Self Governed/**
18 **Self Determination seeking Jurisdiction under the foreign**
19 **Sovereign Immunities Acts, Special- choice- of - Law- Rules**
20 **International Protocols , the International Criminal Court,**
21 **Article III Court before appointed of Article III Justice only**
22 **,World Court not-None Legislative Administrative Article II**
23 **court, The Affirmative Fact the Constitution for the united**
24 **States of America, Delegates Executive Order / Criminal power to**
25 **Prosecute to the ARTICLE III Judicial Branch of Government**
26 **ARTICLE III Court and NOT To the Executive Branch of Government.**
27 **(Legislative) was delegated Administrative Power/Jurisdiction**
28 **only, for this reason I Andrew J. Moore have reason to further**

1 believe 65% of African National Human Rights have been in
2 Violations to harvest the Prison Plantations by having first
3 been falsely accused without Proof under 28 USC 1359, Tax
4 Assessment/ Verified sign Valid Claim & laws under ex post facto
5 law legislative never bonded the Penal Code nor Authorized it
6 and if so it only applies to the district of Columbia, and the
7 Extra-Territory Reservation 10 Miles borders and not apply to
8 the 50 Republic States, the people aka Foreign state
9 National/Foreign African National/ 50million U.S. Slaves
10 Descendants , for this Reason I Andrew J. Moore African National
11 believe My Human Rights have been Violated for Decades ,These
12 Mix Domestic Quiet Wars on African Nationals are In Fact a
13 Direct Invasion of the Law of the Nations, since 1929 Treaties
14 of the United Nations, Geneva Convention which Prohibit Slavery
15 on Maritime state court Prison Plantations and these Crimes
16 Against Humanity, has and will be denied 99.9%, also Continued
17 Miscarriage of Justice under a Contract of Affreightment under
18 the Gold Fringe Flag of War Army Regulation 840-10(Maritime
19 Jury)vs Common Law Jury under Rules of the World Constitution
20 or cannot enforce in Superior state courts of such State a right
21 under any law providing for equal rights of citizens of the
22 United States, or of all person(s) within the Extra-Territory
23 Jurisdiction thereof".

24 Dec 19, 2007

25 Respectfully submitted,

26 
27 Andrew J. Moore Foreign African National
28 /UCC 1-207.7 "without prejudice"

IN CUSTODY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

ANDREW JACKSON MOORE,

dob 04/14/43, Booking No. 07772194A;

Defendant

CT No. CD209248

DA No. ACC998

COMPLAINT-FELONY

INFORMATION

Date: _____

PC296 DNA TEST STATUS SUMMARY

Defendant

MOORE, ANDREW JACKSON

DNA Testing Requirements

DNA sample required upon conviction

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
2	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
3	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
4	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
5	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
6	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		

CHARGE SUMMARY (cont'd)

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
7	PC487(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
	PC1054.3			INFORMAL REQUEST FOR DISCOVERY	

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES**COUNT 1 - NON-SUFFICIENT FUND CHECK - MULTIPLE CHECKS (FELONY)**

On or about and between June 29, 2006 and August 9, 2006, ANDREW JACKSON MOORE did unlawfully and fraudulently make, draw, utter, and deliver checks and drafts for the payment of money the total amount of which exceeded two hundred dollars (\$200), to wit: 32 checks totalling over \$20,000,000, knowing at the time of such making, drawing, uttering, and delivering, that he/she had not sufficient funds in, and credit with, said bank to meet the said checks and drafts and all other checks, drafts and orders upon such funds then outstanding in full upon their presentation for payments; the said defendant at all of said times having the intent then and there to cheat and defraud said persons and corporation in violation of PENAL CODE SECTION 476a(a).

COUNT 2 - NON-SUFFICIENT FUND CHECK - SINGLE CHECK (FELONY)

On or about June 7, 2006, ANDREW JACKSON MOORE did unlawfully and fraudulently make, draw, utter, and deliver to another a check and draft for the payment of money in the sum of \$19,000, check no.1160, drawn upon a bank, knowing at the time of such making, drawing, uttering and delivering, that he had not sufficient funds in, and credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds then outstanding in full upon its presentation for payment; the said defendant at all of said times having the intent to cheat and defraud, in violation of PENAL CODE SECTION 476a(a).

CHARGES (cont'd)

COUNT 3 - NON-SUFFICIENT FUND CHECK - SINGLE CHECK (FELONY)

On or about June 7, 2006, ANDREW JACKSON MOORE did unlawfully and fraudulently make, draw, utter, and deliver to another a check and draft for the payment of money in the sum of \$26,000, check no.1161, drawn upon a bank, knowing at the time of such making, drawing, uttering and delivering, that he had not sufficient funds in, and credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds then outstanding in full upon its presentation for payment; the said defendant at all of said times having the intent to cheat and defraud, in violation of PENAL CODE SECTION 476a(a).

COUNT 4 - NON-SUFFICIENT FUND CHECK - SINGLE CHECK (FELONY)

On or about July 7, 2006, ANDREW JACKSON MOORE did unlawfully and fraudulently make, draw, utter, and deliver to another a check and draft for the payment of money in the sum of \$9,000, check no.1163, drawn upon a bank, knowing at the time of such making, drawing, uttering and delivering, that he had not sufficient funds in, and credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds then outstanding in full upon its presentation for payment; the said defendant at all of said times having the intent to cheat and defraud, in violation of PENAL CODE SECTION 476a(a).

COUNT 5 - NON-SUFFICIENT FUND CHECK - SINGLE CHECK (FELONY)

On or about July 8, 2006, ANDREW JACKSON MOORE did unlawfully and fraudulently make, draw, utter, and deliver to another a check and draft for the payment of money in the sum of \$4,650, check no. 1175, drawn upon a bank, knowing at the time of such making, drawing, uttering and delivering, that he had not sufficient funds in, and credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds then outstanding in full upon its presentation for payment; the said defendant at all of said times having the intent to cheat and defraud, in violation of PENAL CODE SECTION 476a(a).

COUNT 6 - NON-SUFFICIENT FUND CHECK - SINGLE CHECK (FELONY)

On or about July 13, 2006, ANDREW JACKSON MOORE did unlawfully and fraudulently make, draw, utter, and deliver to another a check and draft for the payment of money in the sum of \$2,000, check no.1159, drawn upon a bank, knowing at the time of such making, drawing, uttering and delivering, that he had not sufficient funds in, and credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds then outstanding in full upon its presentation for payment; the said defendant at all of said times having the intent to cheat and defraud, in violation of PENAL CODE SECTION 476a(a).

CHARGES (cont'd)

COUNT 7 - GRAND THEFT OF PERSONAL PROPERTY

On or about and between July 7, 2006 and July 8, 2006, ANDREW JACKSON MOORE did unlawfully take and steal money and personal property of WASHINGTON MUTUAL BANK, of a value in excess of Four Hundred Dollars (\$400), in violation of PENAL CODE SECTION 487(a).

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

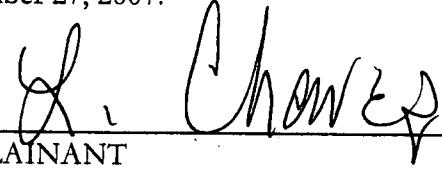
Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

The People reserve the right to amend the accusatory pleading to further allege any and all facts in aggravation in light of Cunningham v. California (2007).

Sheriff's records indicate that as of the booking date one or more defendants have not yet provided a DNA sample to the DOJ database. Pursuant to Penal Code Section 296(e), the court shall order collection of DNA from the defendant(s) if advised by the prosecuting attorney that a sample is required but has not been provided by the defendant. Pursuant to Penal Code sections 296/296.1, if not already required from a past conviction, any defendants who have not done so will be required to provide a sample upon conviction of this felony offense.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD209248, CONSISTS OF 7 COUNTS.

Executed at San Diego, County of San Diego, State of California, on September 27, 2007.



COMPLAINANT

INFORMATION

BONNIE M. DUMANIS
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney

I hereby certify that the foregoing instrument is a full, true & correct copy of the original on file in this office, that said document has not been revoked, annulled or set aside, and it is in full force and effect.

Attest: Oct 05 2007

Clerk of the Superior Court of the State of California, in and for the County of San Diego

By  Deputy

**UNITED STATES DISTRICT COURT
SOUTHERN JUDICIAL DISTRICT**

DECLARATION OF SERVICE

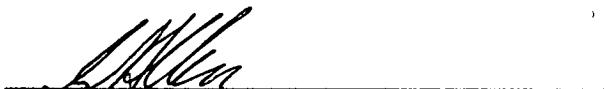
'07 CV 2384 BEN WMC

I am over the age of 18 and I hereby attest and confirm that I personally served an Authorized Agent of
USD COURT
at their place of business known as **880 FRONT ST , San Diego, CA 92101**, and that I served the following documents:

Notice of Appeal , pts and authorities, affidavit ,

To Proof of Service, I do hereby declare to be true and correct to the best of my knowledge and ability that I have served the party(s) named hereon with a true copy of the document within.

This 19TH Day Of December 2007

 **Signature of Person Serving**

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS The People of The STATE of California 220 W Broadway Ave San Diego Ca 92101-9453</p> <p>(b) County of Residence of First Listed Plaintiff <u>San Diego</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><u>SAME</u></p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number)</p>	<p>DEFENDANTS <u>Andrew J. Moore</u> <u>101 Broadway Ave</u> <u>CLERK SAN DIEGO CA 92101-9453</u> County of Residence of First Listed Defendant <u>CALIFORNIA SAN DIEGO</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED</p> <p><u>SAME</u> DEPUTY <u>901A</u></p> <p>Attorneys (If Known)</p>
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)							
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State			<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State			<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
		Citizen or Subject of a Foreign Country			<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)						
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Torts Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
	Brief description of cause: 28 USC 1443 (a).

**VII. REQUESTED IN
COMPLAINT:** **CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23** **DEMANDS** **CHECK YES only if demanded in complaint:**

VIII. RELATED CASE(S) (See instructions): **JUDGE** **DOCKET NUMBER**

PLAINTIFF JUDGE DOCKET NUMBER
DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

(See instructions):

JUDGE

DOCKET NUMBER

DATE Dec 19, 2007

SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER RD 
JUDGE Andrew J. Moore MAC. JUDGE

RECEIPT # **AMOUNT**

APPLYING JEP

JUDGE

MAC JUDGE